

JS 44 (Rev. 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

KHASEEM GREENE

DEFENDANTS

ELIZABETH POLICE DEPARTMENT, et als.

(b) County of Residence of First Listed Plaintiff UNION
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant UNION
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

Schiller McMahon, LLC
123 South Avenue East, Westfield, New Jersey 07090

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Description

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 USC 1983 et seq.

Brief description of cause:

Civil Rights Action against Elizabeth Police Department and Union County Prosecutors Office

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See Instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

05/08/2018

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

CIVIL ACTION NO.

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COMPLAINT

Plaintiff, KHASEEM GREENE, by and through his attorneys, Schiller McMahon LLC, by way of this Complaint and Jury Demand, seeks compensatory damages, punitive damages, injunctive relief, attorneys' fees, and costs of suit from Defendants, and alleges as follows:

NATURE OF ACTION

1. This is a civil action for damages and injunctive relief arising from one of the most chilling episodes of police and prosecutorial misconduct in modern New Jersey history, which resulted in criminal charges brought and maintained against Plaintiff for several months, including Plaintiff being incarcerated for a period of time, before being dismissed.

2. The most decorated Defensive Player in Rutgers football history, including being Rutgers first and only two-time Big East Defensive Player of the Year, Plaintiff was drafted in 2013 by the Chicago Bears of the National Football League (NFL) following his 2012 AT&T, ESPN, Associated Press and Walter Camp All-American season at Rutgers. Prior to enrolling at Rutgers, Khaseem was a star at Elizabeth High School and known by many as the "Pride of Elizabeth", the City where he was born and raised.

3. From January 4, 2017 to July 17, 2007, Defendants, individually and in concert, maliciously conspired to bring a charge of Unlawful Possession of a Weapon-Firearm against Plaintiff. Defendants knew that this charge was completely and utterly unsupported by probable cause, and a total fabrication contradicted by physical evidence, documentary evidence, other witnesses, and even the former co-Defendant. In their rush to accuse Plaintiff, a highly-respected man within his community and professional athlete with zero criminal history, Defendants willfully ignored and were deliberately indifferent to overwhelming evidence of Plaintiff's actual

innocence whilst simultaneously manufacturing and fabricating false evidence in order to charge Plaintiff with a crime he did not commit.

4. Defendants made, individually and/or in concert with others, demonstrably false statements to obtain complaint-warrants and then, repeating and reiterating those demonstrably false statements under oath, an indictment. Similarly, Defendants conspired to conceal exculpatory evidence in order to charge and convict the Plaintiff on “facts” they knew to be untrue. Defendants’ actions evidenced a reckless and callous disregard for and deliberate indifference to Plaintiff’s constitutional rights and Defendants’ responsibilities to the criminal justice system.

5. As a result of Defendants’ actions, Plaintiff has suffered deprivations of the rights guaranteed to him under 42 U.S.C. §§ 1983 and 1988, and the Fourth and Fourteenth Amendment to the United States Constitution; the New Jersey Civil Rights Act, N.J.S.A. 10:6-1, *et seq.*, and Article I of the New Jersey State Constitution; he has suffered economic, emotional, and physical harm; he has suffered irreparable harm to his reputation; and he has incurred thousands of dollars in legal fees defending himself against a criminal prosecution that the Defendants fabricated and knew was baseless.

6. Moreover, because the Defendants’ policies, customs, practices, and supervisory misconduct raises a substantial risk of irreparable injury to other persons in the City of Elizabeth, Plaintiff seeks the entry of an Order and Permanent Injunction, as set forth in the Prayer for Relief below, to protect all persons and to prevent such misconduct from ever happening again.

JURISDICTION AND VENUE STATEMENT

7. This is an action for damages arising out of one or more violations of federal and state law, and is brought pursuant to 42 U.S.C. §§ 1981, 1983, 1985 and 1986, and the Fourth and Fourteenth Amendment to the United States Constitution; and, the New Jersey Civil Rights Act, N.J.S.A. 10:6-1, *et seq.*, and Article I of the New Jersey State Constitution.

8. This Court has jurisdiction over this action pursuant to the provisions of 28 U.S.C. § 1331 and § 1343 in that this is an action to redress, among other things, violations of Plaintiff's federally protected Constitutional rights. Jurisdiction over the state law claims is founded upon the supplemental jurisdiction of this Court, pursuant to 28 U.S.C. § 1367.

9. The acts and practices constituting the violations alleged below have all occurred within the State of New Jersey, which is properly within the jurisdiction of the United States District Court in and for the District of New Jersey. Venue in the District of New Jersey, Newark Division, is proper because the incident which is the subject of this lawsuit occurred in the State of New Jersey and Defendants are located in this venue. *See* 28 U.S.C. § 1391(b)(1) and § 1391(b)(2).

10. This action has been commenced within the statute of limitations for all Federal and pendent State causes of action.

11. Plaintiff has complied with all conditions precedent to the filing of this lawsuit pursuant to Title 59, New Jersey Statutes; all applicable notices have been provided to Defendants.

12. Defendants were at all times relevant acting under color of state law as active and duly appointed EPD police officers and/or assistant prosecutors, and in such capacity, as the agents, servants, and employees of Defendant EPD and/or Defendant UCPO.

13. Plaintiff has retained Schiller McMahon LLC to represent his interests in prosecuting

this action, and said law firm is entitled to their reasonable attorneys' fees and costs incurred in connection therewith.

PARTIES

14. At all relevant times hereto, Plaintiff KHASEEM GREENE ("Plaintiff") was an individual residing in the city of Elizabeth, County of Union, State of New Jersey.

15. At all times relevant hereto, Defendant ELIZABETH POLICE DEPARTMENT ("EPD"), was a municipal subdivision and arm of the City located at 1 Police Plaza, Elizabeth, NJ 07201.

16. Defendant ALFONSO COLON ("Colon") was at all times relevant herein employed by Defendant EPD. Colon was the assigned investigator responsible for investigating the All Star Café shooting. He is sued in both his individual and official capacity.

17. Defendant JAMES SZPOND ("Szpond") was at all times relevant herein employed by Defendant EPD. Szpond assisted Colon with the investigation. He is sued in both his individual and official capacity.

18. At all relevant times hereto, UNION COUNTY PROSECUTOR'S OFFICE ("UCPO"), was an office organized pursuant to the laws of the State of New Jersey, with a principal place of business at 32 Rahway Avenue, Elizabeth, New Jersey.

19. Defendant PATRICIA CRONIN ("Cronin") was at all times relevant herein employed by Defendant UCPO. Cronin was assigned to the EPD and responsible for advising and supervising criminal investigations. She is sued in both her individual and official capacity.

20. Defendant STEPHEN KAISER ("Kaiser") was at all times relevant herein employed by Defendant UCPO as an Assistant Prosecutor. He is sued in both his individual and official capacity.

21. Defendant DEBORAH WHITE (“White”) was at all times relevant herein employed by Defendant UCPO. White was Kaiser’s supervisor and refused to dismiss charges despite acknowledging a lack of probable cause. She is sued in both her individual and official capacity.

22. Defendant MARK SPIVEY (“Spivey”) was at all times relevant herein employed by Defendant UCPO as the Director of Communication for Defendant Prosecutor’s Office. He is sued in both his individual and official capacity.

23. Defendants JOHN/JANE DOES 1 through 10 are gender-neutral, fictitious individuals meant to represent affiliates, associates, and/or agents of the EPD and/or UCPO who have been involved in the conduct that gives rise to this Complaint, but are heretofore unknown to Plaintiff at the present time. As these defendants are identified, Plaintiff shall amend the Complaint to include their known identities.

24. The Defendants may be referred to as “Defendants” in the aggregate. Colon and Szpond may be collectively referred to as “Police Defendants,” and Cronin, Kaiser, White and Spivey may be collectively referred to as “Prosecutor Defendants”.

25. In addition to being sued individually, said defendants are being sued and judgment sought against them jointly and severally.

FACTUAL ALLEGATIONS

A. All Star Café Shooting & Initial Investigation

26. On or about December 3, 2016, a shooting was reported to EPD in the area of South Park Street and Third Street in Elizabeth in the vicinity of All Star Cafe. Multiple gunshots were fired into a crowd of people, and several shots impacted a taxi cab in the vicinity.

27. Around this time, EPD Officers Mooney (“Mooney”) and Haverty (“Haverty”) were

on patrol in the area of the 200-block of Magnolia Avenue, when they encountered a dark colored SUV and attempted to stop same. Their efforts to execute a motor vehicle stop failed and the pursuit was terminated. It was later discovered that said vehicle was registered to a romantic affiliate of Jason Sanders ("Sanders"), who was later arrested and remains under indictment for the shooting at All Star Café. Sanders, according to EPD, has at least twenty-one (21) arrests, six (6) felony convictions, and one (1) violation of probation for offenses including gun trafficking, assault, reckless endangerment, kidnapping, robbery, weapons, aggravated assault and narcotics.

28. Upon information and belief, Sanders was the driver of said dark colored SUV and was in the process of escaping his apprehension for the shooting he had just committed.

29. On or about December 3, 2016, following their aborted pursuit, Mooney and Haverty responded to All Star Café and established a crime scene. At said time, Mooney and Haverty were able to meet with All Star Café employee Jorge Santos. Santos displayed video from several surveillance cameras outside the establishment for Mooney and Haverty. Mooney's Investigation Report states that the "video showed the shooting suspect exiting All Star Cafe at 03:53 on their cameras and proceed to walk to the S. Park Str. Side of the building before he starts shooting." Notably, Mooney and Haverty describe one (1) suspect and make zero mention of any actor appearing to hand any object, let alone a gun, to Sanders.

30. On December 5, 2016, along the route said vehicle eluded law enforcement, Port Authority Police recovered a gun which was later confirmed through ballistics testing to be the weapon fired at All Star Café.

31. On or about December 6, 2016, video from All Star Café was recovered and taken into custody.

32. On or about December 19, 2016, a concerned citizen identified the shooter on the All Star Cafe video as “Big J” and, ultimately, Jason Sanders to EPD Detective Carmine Gianetta.

33. On or about December 20, 2016, EPD Sergeant Rodney Dorilus also identified the shooter on the video as Jason Sanders, who he knew from prior encounters.

34. On or about December 20, 2016, Colon conferred with Prosecutor Defendant Cronin regarding the investigation.

35. On or about December 21, 2016, EPD Officer Paul Tillotson created a “Wanted Person” flyer for Sanders to be arrested, and, in same, no mention of a second actor or suspect is mentioned, nor does anyone allege that anyone passed Sanders any object, let alone a gun.

36. On or about December 23, 2016, Cronin approved aggravated assault with a deadly weapon; unlawful possession of a weapon; possession of a weapon for an unlawful purpose; and certain possessions (prior convicted felon) not to possess weapons (handgun) against Sanders.

37. On December 30, 2016, Sanders was arrested on the aforementioned charges in Jersey City, New Jersey. Sanders was observed by an off-duty EPD officer who notified Jersey City Police Department.

B. Sanders Interrogation & Police Defendants Initial Concealment/Fabrication of Evidence

38. On or about December 30, 2016, Colon, with the assistance of Szpond, conducted a video interview of Sanders. According to Colon’s supplemental investigation report summarizing the interview, Colon wrote that “Sanders also stated that the gun he (Sanders) used in the shooting was giving (sic) to him by Khaseem Greene.” This marks the first time that Khaseem Greene’s name was ever mentioned in the investigation.

39. At or near the conclusion of the very same interview, Sanders, who repeatedly lied

throughout his interview and admitted to same, is asked whether the information he provided regarding Plaintiff was true. Sanders told the police that he “lied,” and the police, instead of following-up, told Sanders “you can recant at another time. Not tonight.”

40. Upon information and belief, not a single member of EPD in a single report indicated that a person handed an object, let alone a gun, to Sanders, save Colon, who states same in his supplemental report only after interviewing Sanders.

41. On or about January 4, 2017, Colon conferred with Cronin regarding the status of the investigation and “advised her of the case [sic] new details.” According to Colon’s supplemental investigation report, Cronin approved bringing charges against Plaintiff “[a]fter reviewing the new details of the case[.]”

42. On or about January 4, 2017, Colon prepared a Complaint-Warrant (also known as NJ/CDR2) wherein Colon, with Cronin’s approval and/or instruction, made two blatantly false statements to manufacture evidence to create probable cause against Plaintiff.

43. Specifically, Colon and/or Cronin knowingly and intentionally or with a reckless disregard for the truth stated that Plaintiff “was observed on surveillance video handing over a handgun” to Sanders, which is categorically false, and that Sanders “admit[ed] that [Plaintiff] handed him the handgun,” which is also false because, in the very same statement the self-admitted liar and multi-convicted felon (Sanders), also admitted that he “lied” when he claimed Plaintiff handed him a gun. These two manufactured falsehoods and no other evidence were listed by Colon as his only basis to charge Plaintiff.

44. Notably, in his December 22, 2016, Affidavit of Probable Cause used to obtain a Complaint-Warrant against Sanders, Colon never once mentions either a second suspect and/or anyone handing Sanders a firearm.

45. On or about January 4, 2017, Colon purports to contact Elizabeth Municipal Court Administrator Margaret Gonzalez to approve an arrest warrant for Unlawful Possession of a Weapon against Plaintiff. The information conveyed by Colon to Gonzalez, and the manner (telephonically, in writing, visual demonstration of evidence) it was transmitted, remains unknown, as the Complaint-Warrant purportedly prepared by Colon and provided in criminal discovery possessed neither a probable cause determination nor a judicial signature, but did contain the two (2) fabricated, manufactured falsehoods elucidated above.

46. On or about January 5, 2017, Plaintiff responded to EPD with his attorney. Despite being advised that Greene would not be speaking and Plaintiff turning himself in with counsel present, Colon separated Plaintiff from his attorney and brought him into an interrogation room where Colon sought to take a statement from a represented person. This was done on video.

47. On or about January 31, 2017, Colon closed the case pending Grand Jury.

C. Colon and Prosecutor Defendants Present Manufactured, Fabricated Evidence to Grand Jury; Prosecutor Defendants Defame Plaintiff, Lying to Press; Plaintiff cut by Chiefs

48. On or about May 9, 2017, Kaiser, along with White and/or on White's orders, presented manufactured, fabricated evidence to the Grand Jury, to wit, the aforementioned two (2) lies described above, in order to obtain an indictment against Plaintiff. Because the Prosecutor Defendants presented information to the Grand Jury that was manufactured, fabricated and false, they, individually and/or in concert with Police Defendants, suborned perjury before the Grand Jury in order to obtain an indictment against Plaintiff.

49. During the Grand Jury presentment, Prosecutor Defendants neither played the surveillance video for the Grand Jury, nor did they play the Sanders video statement. Instead, they solicited the two (2) lies delineated in this complaint from Colon.

50. On May 9, 2017, NJ.com reported a story entitled “Khaseem Greene cut by Kansas City Chiefs after indictment in NJ shooting: What you should know”. The article begins by stating that “Khaseem Greene’s fourth—and likely final—opportunity in the NFL is over. The former Rutgers football star was waived by the Kansas City Chiefs on Tuesday, just hours after NJ.com reported he was indicted in connection with a shooting outside of a nightclub in his native Elizabeth.” Plaintiff’s former Coach Chet Parlevecchio told NJ Advance Media that he was “flabbergasted” to be informed of Plaintiff’s indictment. Coach Parlevecchio went on: “He’s one of the greatest kids I’ve ever coached. He was a leader and everything you wish for in a football player. He was someone who was never in trouble in high school. When he was there, he was a gentleman for us. Never any trouble. He did whatever it took on the field for us to be successful. Just a great kid, and this is news to me.”

51. On May 10, 2017, the Kansas City Star, one of the Chiefs local newspapers, reported that “Chiefs waive Khaseem Greene after he’s indicted on weapons charges”.

52. On or about May 9 through May 11, 2017, numerous outlets, including ESPN, Bleacher Report, the Associated Press, Daily Mail, Chicago Tribune and other news outlets reported on Plaintiff’s indictment, each reiterating the false, manufactured lies initiated by Police Defendants and perpetuated by Prosecutor Defendants.

53. On May 9, 2017, upon information and belief, Prosecutor’s Office Communication Officer Spivey notified the press of Greene’s indictment and conveyed the aforementioned two (2) defamatory statements (Plaintiff is observed on video handing a gun to Sanders and Sanders stated Greene handed same a gun).

54. On or about May 9, 2017, Plaintiff was contacted by Kansas City Chiefs personnel,

while Plaintiff was in Kansas City for Chiefs team workouts and instructed to return his playbook because he was being cut. Plaintiff learned from his agent that same day that Plaintiff was cut due to the indictment released earlier the same day.

55. On or about May 9, 2017, at approximately 6:04 p.m., the Chiefs “Tweeted” that “We have placed LB Khaseem Greene on waivers.”

D. Plaintiff Retains New Counsel; Motions for a Probable Cause Hearing, Dismissal of the Indictment, Speedy Trial and to Compel the Production of Discovery are Immediately Filed on Behalf of Plaintiff

56. On or about May 19, 2017, Plaintiff retained Schiller McMahon LLC (the undersigned) to assume representation of Plaintiff in the criminal matter.

57. On or about May 22, 2017, Plaintiff was arraigned before the Honorable Robert Kirsch, J.S.C.

58. Between May 22, 2017 and June 5, 2017, counsel for Plaintiff was in contact with both Kaiser and White via telephone seeking immediate dismissal of the indictment due to the harm being inflicted upon the innocent Plaintiff, and the impending NFL training camp.

59. On or about June 2, 2017, at approximately 6:00 p.m. EST, Plaintiff’s counsel, in the presence of Jordan B. Dascal, Esquire, received a telephone call from White, wherein White indicated that then-Acting Prosecutor Grace Park refused to dismiss the case, and was instead expending precious prosecutorial resources needlessly interviewing witnesses, reviewing jailhouse phone calls, and pressuring investigators to sustain the case all the while authorizing thousands of dollars in overtime.

60. Most important, White, when repeatedly challenged to state otherwise, and again in the

presence of Dascal, refused to state that the Government had the requisite probable cause required to proceed in a criminal prosecution, yet White, as Supervisor, proceeded with the prosecution for another six (6) weeks. This conversation lasted more than $\frac{3}{4}$ of an hour.

61. On or about June 5, 2017, Plaintiff, by and through counsel, filed a motion to dismiss due to government misconduct, or, in the alternative, for an emergent probable cause hearing due to violations of the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution, as well as Rule of Professional Conduct 3.8 (probable cause requirement).

62. On June 5, 2017, Plaintiff's counsel sent a letter to the Court and Prosecutor Defendants seeking dismissal due to Government misconduct and a lack of probable cause. Counsel further indicated that Plaintiff was cut by the Kansas City Chiefs due solely to the fraudulently obtained indictment, which was obtained based upon manufactured, fabricated evidence.

63. On or about June 21, 2017, Plaintiff, by and through counsel, filed a motion to suppress the unlawful arrest and seizure of Plaintiff's person.

64. On or about June 21, 2017, Plaintiff, by and through counsel, filed a motion to compel the production of discovery or, in the alternative, dismiss the indictment.

65. On or about June 21, 2017, counsel for Plaintiff sent a letter to the Court and Prosecutor Defendants again reiterating the Government misconduct then taking place and requesting an emergent testimonial hearing.

66. On or about June 23, 2017, Plaintiff, by and through counsel, filed a motion seeking an immediate Speedy Trial.

67. On or about June 26, 2017, counsel for Plaintiff sent the Court and Prosecutor Defendants a letter and certification delineating the outstanding discovery and, again, requesting immediate dismissal due to Government misconduct. Counsel also sought an immediate trial date

on behalf of Plaintiff, who, as a professional football player, was being harmed with each passing day wherein the charges remained in place because NFL training camp begins in August of each summer.

E. Prosecutor's Office Changes their "Theory of the Case", Ultimately Dismissing Indictment Against Plaintiff

68. On or about July 12, 2017, Union County Prosecutor's Office, Trial Supervisor Doreen Yanik, contacted Plaintiff's counsel and advised that the State no longer contended that Plaintiff possessed and/or passed Sanders any object, let alone a firearm. The State, in what could only serve to protect its own interests from civil liability, offered Plaintiff admission into the Pre-Trial Intervention ("PTI") diversionary program.

69. On or about July 15, 2017, Plaintiff declined the State's offer for PTI, due to actual innocence.

70. On or about July 17, 2017, the State, *ex parte* and without notice to Plaintiff's counsel, appeared before Judge Kirsch and sought, and were granted, an Order dismissing the indictment against Plaintiff.

71. On or about August 21, 2017, Plaintiff's counsel wrote a letter to Assistant Prosecutor John Esmerado, requesting that EPD and UCPO personnel involved in the investigation and prosecution of Plaintiff be investigated for any misconduct (administrative, criminal or otherwise) and be punished accordingly. As of the date of this filing, the status of any such investigation, and whether any discipline was meted out, remains unknown.

72. On or about April 11, 2018, Sanders pled guilty before the Honorable Robert Kirsch, Judge of the Superior Court of New Jersey, to aggravated assault (second-degree) and unlawful possession of a firearm (second-degree). Sanders is scheduled to be sentenced on June 8, 2018,

wherein he is expected to receive twelve (12) years in New Jersey State Prison for the aggravated assault (shooting) and a concurrent ten (10) years for the possessory gun offense.

73. Plaintiff was unlawfully arrested without probable cause and mistreated as described above due to his race, ethnicity, national origin, or other unlawful basis, and the illegal practices and policies engaged in by members of EPD.

74. As a result of the subject incident, the Plaintiff experienced mental anguish, mental and emotional suffering, embarrassment, shame, and humiliation, as well as damages to his constitutional rights due to the unreasonable seizure of his person.

ADDITIONAL FACTS SURROUNDING LIABILITY

75. Defendant EPD is the ultimate policymaking authority for all officially-adopted policies and procedures implemented by employees of Defendant EPD, including all Police Defendants. Further, it is the entity legally responsible for the hiring, retention, supervision, and training of employees of the EPD, as well as administering any discipline to said employees.

76. The EPD has a long-standing de-facto policy of unlawful stops, arrests and prosecutions attributable to race, ethnicity and/or national origin, as acknowledged by the fact that EPD entered into a Consent Decree wherein the EPD promoted multiple Hispanic and African-American police officers.

77. Defendant EPD has been placed on notice that there is a pervasive and systematic pattern, custom and practice within the EPD to unlawfully stop, search, and arrest.

78. False reports are rendered, and prosecutions are officially pursued against the victims of these unlawful stops, searches, arrests, and unconstitutional beatings and excessively forceful arrests.

79. The investigations into such allegations of unlawful stops, searches, arrests, and use of

excessive force are almost always a virtual whitewash, as EPD officers are rarely, if ever, punished for such conduct even when investigations reveal conduct that requires action to be undertaken against the officers(s) involved to prevent such civil rights and constitutional violations in the future.

80. Specifically, the notice to the EPD of the unconstitutional conduct of its officers and employees has occurred through notices of intent to sue, lawsuits, internal affairs investigations, and media reports, yet Defendant EPD fails to take any remedial action.

81. Thus, Defendant EPD is also on notice of the fact that a systemic and pervasive pattern and practice of unlawful stops, searches, arrests, and use of excessive force exist within the EPD and that members of the citizenry are the victims of these acts committed by EPD officers in violation of the Fourth, Fifth, Eighth and Fourteenth Amendments. Defendant EPD officers are allowed and indeed encouraged to commit these wrongful and unconstitutional acts with impunity knowing that no discipline, much less meaningful discipline, will follow for unlawful stops, searches, arrests, and acts of excessive force, false arrest and malicious prosecution. Such illegal conduct is ratified and condoned by Defendant EPD.

82. Police Defendants are comfortable in the knowledge that any unlawful stop, search, arrest, and act of excessive force, unlawful arrest, and malicious prosecution that they commit will not result in discipline by Defendant EPD even when the unlawful stop, search, arrest, and act of excessive force and/or unlawful arrest occurs. Thus, the lack of discipline for unlawful stops, searches, arrests, and acts of excessive force, unlawful arrests and malicious prosecution allowed Police Defendants to wrongfully stop, arrest and maliciously prosecute the Plaintiff because Police Defendants knew that there would be no official reprisals for their actions against Plaintiff.

83. Upon information and belief, the discovery phase of this litigation will further reveal

many other instances where Defendant EPD, by and through its officers and employees, has allowed, condoned, and encouraged a systemic, ratified, and sanctioned policy of unlawful stops, searches, arrests, and acts of excessive and unreasonable force, wrongful arrests, racial profiling and malicious prosecution, only to fail to discipline personnel for such actions, much less properly supervise and train to prevent further abuses.

CAUSES OF ACTION
COUNT ONE
VIOLATION OF 42 U.S.C. § 1983
(Civil Action for Deprivation of Rights)
(All Defendants)

84. Plaintiff re-alleges and re-avers each and every allegation set forth in the preceding paragraphs as if set forth fully herein, and further states as follows:

85. At all times material, Plaintiff had the constitutional right to be free from the use of unlawful seizure, arrest and incarceration of his person.

86. The Defendants individually and as a group participated and conspired with one another, under color of state law, to deprive Plaintiff of his constitutional rights by, among other things:

- a. falsely arresting Plaintiff without probable cause;
- b. procuring, obtaining, manufacturing and/or fabricating evidence;
- c. falsely imprisoning and/or detaining Plaintiff;
- d. improperly denying Plaintiff's right to privacy;
- e. denying Plaintiff his right to freedom of travel;
- f. depriving Plaintiff of his right to due process;
- g. depriving Plaintiff of his right to equal protection of the laws;
- h. subjecting Plaintiff to involuntary servitude;
- i. subjecting Plaintiff to cruel and unusual punishment.

87. Defendants while acting under color of law, did intentionally and unlawfully arrest and incarcerate Plaintiff without the requisite legal justification.

88. Defendants subjected Plaintiff to further indignities by filing a false report, false

affidavit and causing Plaintiff to be wrongfully detained and prosecuted; specifically, by knowingly, intentionally, and falsely claiming in their police reports and the affidavit for probable cause that (1) Plaintiff could be observed on video actually possessing and then transferring a handgun to one Jason Sanders, when, in fact, Plaintiff neither possessed any firearm nor did he transfer any firearm to Sanders or anyone else; and (2) that Sanders, during a statement to police, inculpated Plaintiff by claiming Plaintiff handed Sanders said firearm, when, in reality, Sanders advised Colon and others that he “lied” when he claimed Plaintiff handed Sanders a firearm, but Colon and others withheld same from both police reports and/or the affidavit for probable cause.

89. The above acts constitute a violation of the Civil Rights Act, 42 U.S.C. § 1983 for violation of one’s civil and constitutional rights under color of state law.

90. As a proximate result of the aforesaid acts by Defendants, Plaintiff has been damaged and has suffered severe emotional injuries including mental distress and anguish.

COUNT TWO
VIOLATION OF 42 U.S.C. § 1981
(Violation of Equal Rights Under the Law)
(All Defendants)

91. Plaintiff re-alleges and re-avers each and every allegation set forth in in the preceding paragraphs as if set forth fully herein, and further states as follows:

92. The acts of the Defendants constitute a violation of the Civil Rights Act, 42 U.S.C. § 1981, as well as the Fourth, Fifth, Eighth and Fourteenth Amendments of the United States Constitution.

93. The acts of the Defendants were motivated by racial, ethnic, national origin, and/or other unlawful animosity and/or by desire to injure, oppress and intimidate the Plaintiff because of his race, ethnicity, national origin, or other protected attribute.

94. As a proximate result of the above-mentioned acts, Plaintiff has suffered damages

including severe emotional distress and mental anguish as well as a deprivation of his rights under § 1981, as well as the Fourth, Fifth, Eighth and Fourteenth Amendments of the United States Constitution.

COUNT THREE
VIOLATION OF 42 U.S.C. § 1985
(Conspiracy to Violate Civil Rights)
(All Defendants)

95. Plaintiff re-alleges and re-avers each and every allegation set forth in the preceding paragraphs as if set forth fully herein, and further states as follows:

The acts of Defendants constitute a violation of the Civil Rights Act, 42 U.S.C. § 1985, namely a conspiracy to violate the civil rights of Plaintiff based on his race, ethnicity, national origin, or other unlawful basis.

96. As a proximate result of the above-mentioned acts, Plaintiff has been damaged and has suffered severe emotional distress and mental anguish as well as deprivation of rights under the Civil Rights laws.

COUNT FOUR
VIOLATION OF 42 U.S.C. § 1986
(Failure to Prevent Violations of Civil Rights)
(All Defendants)

97. Plaintiff re-alleges and re-avers each and every allegation set forth in the preceding paragraphs as if set forth fully herein, and further states as follows:

98. The Defendants had knowledge of the discrimination/violation of constitutional rights perpetrated on Plaintiff and/or other minorities, including Plaintiff, but neglected and failed to prevent said wrongful and illegal acts when they had power to do so.

99. This neglect, aid and refusal to prevent or rectify is a violation of the Civil Rights Act, 42 U.S.C. § 1986.

100. As a proximate result of the above-mentioned acts, Plaintiff has been damaged and has suffered severe emotional pain, suffering, anguish and distress and a deprivation of rights under the Civil Rights laws.

COUNT FIVE
VIOLATION OF 42 U.S.C. § 1983
(Negligent Screening, Hiring, Training, Supervising and
Retention of Dangerous Discriminatory Employees)
(As to EPD and UCPO)

101. Plaintiff re-alleges and re-avers each and every allegation set forth in the preceding paragraphs as if set forth fully herein, and further states as follows:

102. Defendants EPD and UCPO were negligent in screening, hiring, training, supervising, disciplining and/or retaining the Police and/or Prosecutor Defendants in this matter, who they knew or should have known were dangerous and/or acted in a racially discriminatory manner.

103. Defendants EPD and UCPO are liable for the aforesaid acts both under the doctrine of *respondeat superior* and because they permitted conditions to exist which facilitated and/or permitted such conduct to occur.

104. As a proximate result of the aforesaid conduct, Plaintiff has been damaged, including violation of his civil rights and has suffered severe mental anguish, emotional pain and suffering.

COUNT SIX
NEW JERSEY STATE CIVIL RIGHTS ACTION/STATE CONSTITUTIONAL CLAIM
(N.J.S.A. 10:6-1, *et seq.*)
(All Defendants)

105. Plaintiff re-alleges and re-avers each and every allegation set forth in the preceding paragraphs as if set forth fully herein, and further states as follows:

106. The illegal, unconstitutional and discriminatory acts of the Defendants constituted acts of a *de facto* policy to discriminate, falsely arrest and maliciously prosecute Plaintiff. The actions of the Defendants aforesaid also represent a *de facto* policy to deny Plaintiff his right to travel, equal protection and privacy. All of these violations contravene Plaintiff's constitutional rights under the New Jersey State Constitution including, but not limited to, Article I, Section 1; Article I, Section 5; and Article I, Section 7; and the New Jersey Civil Rights Act (N.J.S.A. 10:6-2).

107. Each individual Defendant was acting at all times in furtherance of his employer.

108. As a proximate result of the aforesaid conduct, Plaintiff has been damaged, including violation of his civil rights and has suffered severe physical and emotional pain and suffering.

COUNT SEVEN
WILLFUL DISREGARD
(All Defendants)

109. Plaintiff re-alleges and re-avers each and every allegation set forth in the preceding paragraphs as if set forth fully herein, and further states as follows:

110. The conduct of Defendants was outrageous, wanton and willful, in reckless indifference to the rights, safety, and interests of Plaintiff, and taken with conscious disregard of their duties and obligations.

111. Defendants acted with deliberate indifference to the rights of persons in their domain, including Plaintiff, violating Plaintiff's right to freedom from deprivation of liberty without due process of law in violation of the Fourth, Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States and the Civil Rights Act, 42 U.S.C. § 1986.

112. As a proximate result of the above-mentioned acts, Plaintiff has been damaged and has suffered severe emotional pain, suffering, anguish and distress and a deprivation of rights under the Civil Rights laws.

COUNT EIGHT
ABUSE OF PROCESS
(All Defendants)

113. Plaintiff re-alleges and re-avers each and every allegation set forth in the preceding paragraphs as if set forth fully herein, and further states as follows:

114. The Defendants made improper, illegal and perverted use of the legal process and their resort to the legal process was neither warranted nor authorized by law.

115. The Defendants had ulterior motives in initiating the legal process against Plaintiff by filing a criminal complaint against him.

116. As a proximate result of the PO Defendants' conduct, Plaintiff has been damaged and has suffered severe emotional pain, suffering, anguish and distress.

COUNT NINE
FALSE ARREST AND IMPRISONMENT
(All Defendants)

117. Plaintiff re-alleges and re-avers each and every allegation set forth in the preceding paragraphs as if set forth fully herein, and further states as follows:

118. The Defendants named herein wrongfully, unlawfully, maliciously, and without any lawfully sought and executed warrant or pretense of legal process, detained and confined Plaintiff.

119. Plaintiff's confinement was without proper legal authority or legal justification.

120. The actions of the Defendants subjecting Plaintiff to detention were deliberate, willful, malicious, wanton and unlawful.

121. As a proximate result of the Defendants' conduct, Plaintiff has been damaged and has suffered severe emotional pain, suffering, anguish and distress.

COUNT TEN
MALICIOUS PROSECUTION/ CONSPIRACY TO COMMIT
MALICIOUS PROSECUTION
(All Defendants)

122. Plaintiff re-alleges and re-avers each and every allegation set forth in the preceding paragraphs as if set forth fully herein, and further states as follows:

123. The Defendants, individually and/or in concert, filed and/or conspired to file a criminal complaint against Plaintiff alleging a violation of N.J.S.A. 2C:39-5.

124. The aforestated criminal offense was thereafter dismissed by a neutral and detached magistrate.

125. No reasonable or probable cause existed for the Defendants to charge Plaintiff with said offense.

126. The Defendants were activated by malicious motives in prosecuting the charges lodged against Plaintiff.

127. As a proximate result of the Defendants' conduct, Plaintiff has been damaged and has suffered severe emotional pain, suffering, anguish and distress.

COUNT ELEVEN
NEGLIGENCE
(All Defendants)

128. Plaintiff re-alleges and re-avers each and every allegation set forth in the preceding paragraphs as if set forth fully herein, and further states as follows:

129. At all times relevant hereto, defendants owed a duty to Plaintiff to provide the standard of care that an ordinary prudent person would provide in similar circumstances.

130. Defendants breached their duties of care by fabricating and manufacturing evidence to bring about baseless criminal charges against Plaintiff.

131. As the direct and proximate cause of the defendants' negligence as stated above, Plaintiff has suffered severe emotional pain, suffering, anguish and distress.

132. The injuries Plaintiff has sustained are permanent in nature.

133. As a proximate result of the Defendants' conduct, Plaintiff has been damaged and has suffered severe emotional pain, suffering, anguish and distress.

COUNT TWELVE
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(All Defendants)

134. Plaintiff re-alleges and re-avers each and every allegation set forth in the preceding paragraphs as if set forth fully herein, and further states as follows:

135. Defendants acted intentionally or recklessly by their actions aforesated.

136. Defendants conduct was extreme in degree and outrageous in character as to go beyond all possible bounds of decency and to be regarded as atrocious and utterly intolerable in a civilized community.

137. As a proximate result of the Defendants' conduct, Plaintiff has been damaged and has suffered severe emotional pain, suffering, anguish and distress.

COUNT THIRTEEN
DEFAMATION
(UCPO; Spivey)

138. Plaintiff re-alleges and re-avers each and every allegation set forth in the preceding paragraphs as if set forth fully herein, and further states as follows:

139. Defendants, individually or in concert, communicated to third parties other than Plaintiff a false and defamatory statement of fact concerning the Plaintiff with actual knowledge

that the statement was false or with reckless disregard of its truth or falsity, and Defendants did so with actual malice.

140. Defendants utterance of a slander constitute slander *per se*, since the utterances charge the commission of a crime.

141. As a proximate result of the Defendants' conduct, Plaintiff has been damaged and has suffered severe emotional pain, suffering, anguish and distress.

COUNT FOURTEEN
VICARIOUS LIABILITY
(EPD; UCPO)

142. Plaintiff re-alleges and re-avers each and every allegation set forth in the preceding paragraphs as if set forth fully herein, and further states as follows:

143. A public employee is liable in damages to anyone suffering injury proximately caused by the execution or enforcement of any law and such acts are without reasonable good faith.

144. Defendant EPD is liable to Plaintiff by virtue of vicarious liability and/or *respondeat superior* for the wrongful acts of the Police Defendants.

145. Defendant UCPO is liable to Plaintiff by virtue of vicarious liability and/or *respondeat superior* for the wrongful acts of the Prosecutor Defendants.

146. At all times relevant hereto, Police and Prosecutor Defendants acted within the scope of their employment with Defendants EPD and UCPO.

147. Even if the wrongful acts of the Police and Prosecutor Defendants were committed while acting outside the scope of their employment, Defendants EPD and UCPO are liable, as EPD and UCPO intended the consequences, were negligent or reckless, the conduct violated a non-delegable duty of EPD and UCPO, or the Police and Prosecutor Defendants purported to act or to

speaking on behalf of EPD and UCPO and there was a reliance upon apparent authority, or the Police and Prosecutor Defendants were aided in accomplishing the torts by the existence of the agency relation.

148. As a proximate result of the Police and Prosecutor Defendants' conduct, Plaintiff has been damaged and has suffered severe emotional pain, suffering, anguish and distress.

PRAYER FOR RELIEF

149. WHEREFORE, to redress the injuries proximately and directly caused by Defendants' conduct as stated in the preceding paragraphs above, and to prevent the substantial risk of irreparable injury to other persons in the City of Elizabeth as a result of the policies, customs, practices, and supervisory misconduct alleged herein, Plaintiff hereby request the following relief:

- a. the issuance of an Order and Permanent Injunction ("Permanent Injunction") that:
 - i. appoints an independent monitor (the "Monitor"), to be determined by the Court, who shall oversee certain activities of the Elizabeth Police Department for a period of ten (10) years, and who shall report to the Court on an annual basis regarding Defendants' compliance or non-compliance with the terms of the Permanent Injunction;
 - ii. authorizes the Monitor to establish, review, and enforce all policies applicable to the management of the Elizabeth Police Department;
 - iii. provides the Monitor with the authority to hire, fire, and promote all Elizabeth Police officials, including the Chief of Police;

- iv. establishes an independent citizen Police Review Committee, composed of three members selected by the Court, which shall review and hear publicly complaints of misconduct by Elizabeth residents against Elizabeth Police personnel and make recommendations to the Monitor as to discipline or innocence;
 - v. orders that the Elizabeth Police Department provide proper training, based on materials and plans approved by the Monitor, to all current and new personnel (the “Remedial Training”) on the following matters:
 - 1. the appropriate chain of command in criminal investigations;
 - 2. the issuance of public statements relating to an open investigation;
 - 3. the conduct of eyewitness identification procedures;
 - 4. the standards for police reports, investigator’s notes, and other reports of investigations, including the timely and truthful preparation of such documents; and
 - 5. the standards for probable cause;
 - vi. orders the Elizabeth Police Department to implement a policy requiring Elizabeth Police personnel to present exculpatory evidence when testifying before a grand jury.
 - vii. requires the City of Elizabeth to pay all costs relating to the Monitor, Police Review Committee, and Remedial Training for the duration of the Permanent Injunction; and
- b. damages in an amount to be established at trial as compensation for constitutional

deprivations; past and future economic loss, physical harm, emotional trauma, loss of privacy, and loss of reputation; loss of education; and expenses associated with defending against the criminal proceedings initiated and sustained by Defendants' unlawful conduct;

c. damages in an amount to be established at trial to punish Defendants for outrageous conduct pursued out of actual malice that recklessly and callously disregarded and was deliberately indifferent to Plaintiff' constitutional rights, to discourage them from engaging in similar conduct in the future, and to deter others similarly situated from engaging in similar misconduct;

d. an award of attorneys' fees, including attorneys' fees pursuant to 42 U.S.C. § 1988(b);

e. an award for reasonable and customary costs, expenses, and interest incurred in pursuit of this action; and

f. whatever additional relief the Court may deem proper.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury of all issues so triable under the law.

DESIGNATION OF TRIAL COUNSEL

Plaintiff designates the undersigned as trial counsel.

Respectfully submitted,

/s/ Joshua F. McMahon
Joshua F. McMahon
SCHILLER McMAHON LLC
123 South Avenue East, 2nd Fl.
Westfield, New Jersey 07090
Attorneys for Plaintiff

Dated: May 8, 2018

RESERVATION OF RIGHTS

Plaintiff reserves the right to file such specific amendments and/or additional claims as are applicable hereinafter to this section and/or as the same are subsequently discovered.

SCHILLER MCMAHON LLC
Attorneys for Plaintiff, Khaseem Greene

/s/ Joshua F. McMahon

By:

Joshua F. McMahon

Dated: May 8, 2018

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that on May 8, 2018, we electronically filed the foregoing with the Clerk of the Court using CM/ECF. We also certify that the foregoing document will be served on all parties either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

/s/ Joshua F. McMahon

By:

Joshua F. McMahon

Dated: May 8, 2018